IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3644 OF 2006

Ravindra Bapurao Chakre ..Applicant

Versus

The State of Maharashtra ..Respondent

Mr.Abhaykumar Apte for the applicant.

Mrs.M.H.Mhatre APP for the State/respondent.

Coram : R.S.Mohite,J

Date : 8.12.2006.

PC

1. This is the 2nd application for grant of bail. Without arguing the matter on facts it is contended that the bail may be granted because the applicant has already undergone 9 months imprisonment and that ultimately the offence would be under Section 304 part-II of IPC. Reliance is placed on the judgment of the Apex Court in the case of **State of Madhya Pradesh V/s. Shyamsunder Trivedi & Ors. reported in CDJ 1995 SC 998** where the person died under torture with several injuries and after accepting the oral evidence, the conviction was ultimately made under Section 304 part-II and sentence of 2 years RI was imposed. My attention was also drawn to the judgment of this Court given by Justice Datar,J in Criminal Application No.3074 of 1996 in the case of **Namdeo Baburao Kohinkar V/s.State of**

Maharashtra reported in CDJ 1997 SC 552 wherein in the case of death by assault by a police officer, the Court granted bail after observing the question as to whether death amount to murder could have been gone into at the stage of trial and that a detailed discussion about the nature of the offence was not necessary while considering the bail application particularly when other persons equally granted bail. In the present case also one of the assailants was granted bail.

2. In the circumstances, matter is re-considered in view of the 2 judgments which are cited. The argument here is that there was no intention to cause death. Record indicates that the applicant was also intoxicating. It is sought to be contended that he may have assaulted while doing his duty in order to solve the offence. Taking an overall view and in view of the fact that the applicant is behind the bar for 9 months, I am inclined to grant him bail. It is therefore, directed that pending his trial, the applicant may be released on bail in the sum of Rs.25,000/- with one surety in the like amount subject to the condition that he will stay out of Pune district. This stringent condition is imposed because being a police officer, there is a likelihood of his tampering the witnesses. Application stands disposed off.

(R.S.Mohite,J)